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SERVICE DATE - APRIL 4, 2002

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-101 (Sub-No. 15X)

DULUTH, MISSABE AND IRON RANGE RAILWAY COMPANY—ABANDONMENT
EXEMPTION—IN ST. LOUIS COUNTY, MN

Decided: April 1, 2002

Duluth, Missabe and Iron Range Railway Company (DM&IR) filed a notice of exemption under 49 CFR 1152.50 Subpart F—Exempt Abandonments and Discontinuances to abandon and discontinue service over a 0.63-mile line of railroad known as the Virginia Branch, extending from milepost B5.5 to milepost B6.1, in St. Louis County, MN. Notice of the exemption was served and published in the Federal Register on March 6, 2002 (67 FR 10254-55). The exemption is scheduled to become effective on April 5, 2002.

The Board's Section of Environmental Analysis (SEA) served an environmental assessment (EA) in this proceeding on March 11, 2002. In the EA, SEA states that the Minnesota Historical Society (MN SHPO) has not completed its assessment of the potential impact of this project on historic resources. Therefore, SEA recommends imposition of a condition requiring DM&IR to retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470f (NHPA).

SEA also states that the National Geodetic Survey (NGS) has identified one geodetic station marker that may be affected by the proposed abandonment. Therefore, SEA recommends that DM&IR shall notify NGS 90 days prior to salvage activities in order to plan for its potential relocation.

Finally, SEA states that the Minnesota Pollution Control Agency (MPCA) states: that land disturbing activities on any rail line segments that are adjacent to streams or wetlands should be minimized to avoid potential adverse water quality impacts; that any onsite stockpiling of railroad ties should be temporary and occur away from the waterways, and the ties should be disposed of appropriately; that, if the project would disturb five or more acres of land area, an MPCA permit under section 402 of the Clean Water Act would be necessary; and that the permit would require the use of best management practices to control erosion and sedimentation. Therefore, SEA recommends that DM&IR consult with MPCA regarding permitting requirements under section 402 of the Clean Water Act.

The conditions recommended by SEA will be imposed. As conditioned, this action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the exemption of the abandonment of the rail line described above is subject to the conditions that DM&IR: (1) retain its interest in and take no steps to alter the historic integrity of all sites and structures on the line until completion of the section 106 process of the NHPA; (2) notify NGS at least 90 days prior to salvage activities in order to plan the potential relocation of the geodetic station marker; and (3) consult with MPCA regarding permitting requirements under section 402 of the Clean Water Act.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary